

MONDAY, MARCH 16, 1998

At 9:30 a.m., the court met in the Library & Court Building to begin its court calendar session.

PRESENT: PUGLIA, Presiding Justice
RAYE, Associate Justice
CALLAHAN, Associate Justice

Bailiff: Jones.
Calendar Called.

Crim. THE PEOPLE
No. vs.
C024613 TIEN MINH VO ET AL.

Cause called. Allison E. Moss argued for Defendant-Appellant Tien Vo. Richard Dangler argued for Defendant-Appellant Quoc Hoac. Nannette Winaker, Deputy Attorney Counsel argued for Plaintiff-Respondent.

Court recessed at 10:02 a.m. At 10:03 a.m., court reconvened with the same panel except Associate Justice Blease in place of Associate Justice Raye.

Civil DCK
No. vs.
C026142 JOHN TORRES ET AL.

Cause called. Felix Torres, Jr. argued for Defendants-Appellants. Peter J. Pullen, of Moore, Meegan, Hanschu, & Kassenbrock argued for Plaintiff-Respondent.

Court recessed at 10:34 a.m. At 10:39 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Morrison, and Associate Justice Callahan.

MONDAY, MARCH 16, 1998 CONTINUED

Crim. THE PEOPLE
No. vs.
C023375 CHRISTIAN BRANSCOMBE ET AL.

Cause called. Janice Lagerlof, court appointed counsel argued for Defendant-Appellant Christian Branscombe. Harry Joseph Volombo, Deputy Attorney General, argued for Plaintiff-Respondent. No appearance was made on behalf of Defendant-Appellant Joshua N. Richter as argued having been previously waived and approved.

Court recessed at 10:59 a.m. Court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Morrison.

Crim. THE PEOPLE
No. vs.
C026608 DEJUAN MAURICE MOORE

Cause called. No appearance was made on behalf of Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved.

Crim. THE PEOPLE
No. vs.
C025647 ERNEST FITZGERALD LYNCH

Cause called. Steven E. Cohen argued for Defendant-Appellant. David A. Rhodes, Deputy Attorney General argued for Plaintiff-Respondent.

Court recessed at 11:32 a.m.. Court reconvened at 2:00 p.m. with Presiding Justice Puglia, Associate Justice Sims, and Associate Justice Raye.

Civil GLADYS B. AHMED
No. vs.
C027174 EVELYN M. CARSTENS
C025965

Cause called. Freda D. Pechner argued for Plaintiff-Appellant with additional citations. Philip H. Weber argued for Defendant-Respondent.

Court adjourned at 2:10 p.m. until 9:30 a.m., Tuesday, March 17, 1998.

MONDAY, MARCH 16, 1998 CONTINUED

Civil KRISTEN RINAKER (Certified for Publication)
No. vs.
C025658 SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF
 SAN JOAQUIN
 THE PEOPLE OF THE STATE OF CALIFORNIA, AND CHRISTOPHER
 G. AND HUY D., MINORS

Let a peremptory writ of mandate issue directing respondent court to vacate its order allowing the minors to question Rinaker under oath concerning statements made during confidential mediation, and to conduct further proceedings consistent with this opinion. Having served its purpose, the alternative writ is discharged. Upon this decision becoming final, the stay previously issued by this court shall be vacated.

SCOTLAND, J.

We concur: PUGLIA, P.J.
 MORRISON, J.

TUESDAY, MARCH 17, 1998

At 9:30 a.m., the court met at the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 RAYE, Associate Justice
 MORRISON, Associate Justice

Bailiff Jones.
Calendar called.

Civil MICHAEL GLEN DOLIN
No. vs.
C026374 MEDICAL BOARD OF CALIFORNIA, ETC.

Cause called. Jay-Allen Eisen , of Eisen & Johnston argued for Plaintiff-Appellant. Robert C. Miller, Deputy Attorney General, argued for Defendant-Respondent.

Court adjourned at 9:42 a.m., until 9:30 a.m., Wednesday, March 18, 1998.

TUESDAY, MARCH 17, 1998 CONTINUED

Crim. THE PEOPLE
 No. vs.
 C024943 JAMES WILLIAM COVERT
 By the Court:
 Appellant's petition for rehearing is denied.
 Dated Maarch 17, 1998
NICHOLSON, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026269 LOREN PANCHO
 The judgment is affirmed.
CALLAHAN, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

Civil CHRISTIAN DEAN BOWERS (Certified for Publication)
 No. vs.
 C026887 THE SUPERIOR COURT OF NEVADA COUNTY
 THE PEOPLE
 The petition is denied. The alternative writ is discharged.
 (CERTIFIED FOR PUBLICATION)
CALLAHAN, J.
 We concur: BLEASE, Acting P.J.
 MORRISON, J.

Juvenile In re SAMUEL H. et al., Persons Coming Under the Juvenile Court Law.
 No. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
 C026730 SERVICES (Not for Publication)
 vs.
 ROSANA K.
 The orders appealed from are affirmed.
CALLAHAN, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

TUESDAY, MARCH 17, 1998

Civil LILY RHYNES (Not for Publication)
Co. vs.
C023964 ELOISE ANDERSON AS DIRECTOR ETC.,

The judgment is affirmed.

SCOTLAND, J.

I concur: NICHOLSON, J.

I dissent:

BLEASE, Acting P.J.

WEDNESDAY, MARCH 18, 1998

At 9:30 .am., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 SIMS, Associate Justice
 NICHOLSON, Associate Justice

Bailiff Emero.
Calendar called.

Crim. THE PEOPLE
No. vs.
C025529 MICHAEL RAY JONES

Cause called. Michael Satris, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved.

Court recessed at 9:41 a.m. Court reconvened at 9:43 a.m., with the same panel except Associate Justice Raye in place of Associate Justice Sims.

Civil STANFORD RANCH, INC.
No. vs.
C023484 C AND M DEVELOPMENT ET AL.
C025129

Cause called. Joseph S. Genshlea, of Weintraub, Genshlea, & Sproul argued for Plaintiff-Appellant. Hartley T. Hansen, of Hansen, Boyd, Culhane & Watson argued for Defendants-Respondents. Lawrence R. Watson, of Hansen, Boyd, Culhane & Watson appeared for Defendants-Respondents.

WEDNESDAY, MARCH 18, 1998 CONTINUED

Court adjourned at 10:54 a.m., until 9:30 a.m., Friday, March 20, 1998.

Crim. No. C026066	THE PEOPLE vs. MUSCOE LITTLE	(Not for Publication)
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The judgment is modified by striking the two enhancements pertaining to victims Rosalinda and Angela Alferos. The court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract to the Department of Corrections.

As modified, the judgment is affirmed.

PUGLIA, P.J.

We concur:	DAVIS, J. CALLAHAN, J.
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Juvenile No. C026903	In re THOMAS C., a Person Coming Under the Juvenile Court Law. THE PEOPLE vs. THOMAS C.	(Not for Publication)
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The juvenile court's order committing the minor to CYA is reversed. The matter is remanded to the juvenile court to conduct a new disposition hearing.

PUGLIA, P.J.

We concur:	SIMS, J. NICHOLSON, J.
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Crim. No. C026623	THE PEOPLE vs. GONZALO ACEVES OROZCO	(Not for Publication)
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The judgment is affirmed.

PUGLIA, P.J.

We concur:	DAVIS, J. CALLAHAN, J.
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WEDNESDAY, MARCH 18, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025522 JAMES L. EDWARDS
 The judgment is reversed.
 PUGLIA, P.J.
 We concur: SIMS, J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)\
 No. vs.
 C026936 MIGUEL BRAVO ROSALES
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: DAVIS, J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025276 DAVID HARLOW CHURCHILL
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: SIMS, J.
 RAYE, J.

THURSDAY, MARCH 19, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C023599 PETER THOMAS COCKROFT
 THE COURT:
 The opinion of this court filed February 19, 1998, in the above
 entitled case is modified as follows:
 On page 8, line four, delete “involuntary” and replace with
 “voluntary”. As modified, there is no change in the judgment.
 The petition for rehearing is denied.
 BY THE COURT:
 PUGLIA, P.J.
 BLEASE, J.
 SCOTLAND, J.

THURSDAY, MARCH 19, 1998 CONTINUED

Civil No. C023360 vs. PETE WILSON, AS GOVERNOR, ETC. ET AL
C023368 CALIFORNIA STATE EMPLOYEES ETC. ET AL.
vs. (Certified for Publication)
PETE WILSON, AS GOVERNOR, ETC. ET AL.
THE COURT:

It is ordered that the opinion filed herein on February 25, 1998 be modified in the following particulars:

1. On page 16, line 19, delete “§ 119”, so the line reads: “art. XIX, §§ 4, 5; Sts. & Hy. Code, § 2101, subds. (c) and”
2. On page 18, line 18, delete “§ 199”, so the line reads: § 2101, subds. (c) and (d); Kizziah v Department of
3. On page 22, line 14, after “code,” insert “§§ 163, 164.), so the line reads:
“powers and duties of the Department. (see e.g., Sts. & Hy. Code, §§ 163, 164.)”
4. On page 22, line 15, delete “§ 199.)”.
5. On page 23, line 3 and 4, delete “; see also Sts. & Hy. Code, § 199.1’, so line 3 reads:
“terminals. (See § 99317, subd. (a).)”

Respondents and Appellants (Pete Wilson) petitions for rehearing are denied. There is no change in judgments.
FOR THE COURT:

BLEASE, Acting P.J.
DAVIS, J.
SCOTLAND, J.

THURSDAY, MARCH 19, 1998 CONTINUED

Juvenile In re CHRISTOPHER C., a Person Coming Under the Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C026169 vs.
CHRISTOPHER C.

Count V of the petition is dismissed and the minor's maximum period of confinement is reduced accordingly to eight years, four months. The juvenile court is directed to amend its records to reflect these modifications and to forward appropriate copies thereof to the proper authorities. As modified, the judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026188 JEREMIAH GENE HAMMER

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026863 SATERIAL MARCELL THOMAS

The judgment is modified by striking the trial court's order applying the 15 percent limitation of section 2933.1 and awarding 492 days of worktime credit for a total of 1479 days of presentence custody credit. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
NICHOLSON, J.

THURSDAY, MARCH 19, 1998 CONTINUED

Civil STEPHEN R. TOWNZEN (Not for Publication)
No. vs.
C026578 COUNTY OF EL DORADO ET AL.

The order awarding defendants' costs of \$2,044 for filing and motion fees is reversed, and the matter is remanded for a recalculation of costs in accordance with this opinion. Appellant is awarded costs on appeal.

PUGLIA, P.J.

We concur: DAVIS, J.
 NICHOLSON, J.

FRIDAY, MARCH 20, 1998

At 9:31 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: PUGLIA, Presiding Justice
 SCOTLAND, Associate Justice
 MORRISON, Associate Justice

Bailiff: Conrad
Calendar called.

Crim. THE PEOPLE
No. vs.
C022971 AARON DALE FRAZIER

Cause called. Meredith J. Watts, court appointed counsel argued for Defendant-Appellant. Patrick J. Whalen, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

Crim. THE PEOPLE
No. vs.
C014986 MURRAY L. MILLER ET AL.

Cause called. Robert R. Schaldach, argued for Defendants-Appellants. Joseph F. Barbara, Senior Deputy District Attorney argued for Plaintiff-Respondent. Cause submitted.

FRIDAY, MARCH 20, 1998 CONTINUED

At 10:13 a.m., court recessed. At 10:15 a.m., court reconvened with the same panel except Acting Presiding Justice Davis in place of Presiding Justice Puglia.

Civil PAMELA KETCHUM ET AL.
No. vs.
C026528 STATE OF CALIFORNIA

Cause called. Aram Kouyoumdjian, of Poswall & White argued for Plaintiff-Appellants. Alberto L. Gonzalez, Deputy Attorney General argued for Defendant-Respondent.

At 10:44 a.m., court recessed. At 10:46 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Davis and Associate Justice Morrison.

Civil J.A.T. ENTERTAINMENT, INC.
No. vs.
C025573 DONALD L. REED

Cause called. Jewell J. Hargleroad, of McInerney & Dillon argued for Defendant-Appellant. Lori J. Gualco argued for Plaintiff-Respondent. Michael e. London, of McInerney & Dillon appeared on behalf of Defendant-Appellant but did not argue.

Crim. THE PEOPLE
No. vs.
C024563 ANERAE VESHAUGHN BROWN

Cause called. Kyle Gee, court appointed counsel argued for Defendant-Appellant. Matthew L. Caste, Deputy Attorney General argued for Plaintiff-Respondent.

FRIDAY, MARCH 20, 1998 CONTINUED

At 11:38 a.m., court recessed. At 2:03 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Scotland and Associate Justice Nicholson.

Crim. THE PEOPLE
No. vs.
C024860 SAMUEL AROLA STRANGE

Cause called. Charles M. Bonneau, court appointed counsel argued for Defendant-Appellant. Mark A. Johnson, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 2:30 p.m., the court departed for a Library & Courts Building fire alarm. At 2:45 p.m. court reconvened with the same panel.

Court adjourned at 3:07 p.m., until 9:30 a.m., Monday, March 23, 1998.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024286 BRYAN JAMES SVENDSEN

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
NICHOLSON, J.

FRIDAY, MARCH 20, 1998 CONTINUED

Civil WILLIAM KIDD ET AL. (Not for Publication)
No vs.
C009484 STATE OF CALIFORNIA ET AL.

The judgment is reversed. On remand, the trial court is directed to vacate its order granting defendants' motion for judgment on the pleadings, enter an order denying defendants' motion, declare plaintiffs' rights were violated by the use of supplemental certification and that supplemental certification is void as violative of the state Constitution and statutes, enjoin defendants from using supplemental certification and fashion an equitable remedy to redress the violation of plaintiffs' constitutional and statutory rights. Plaintiffs shall recover costs on appeal.

PUGLIA, P.J.

We concur: SIMS, J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025034 ROJELIO ROGER SUYAT

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024613 TIEN MINH VO ET AL

The judgments appealed from are affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025947 DARRELL BRUCE STAPP

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

FRIDAY, MARCH 20, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026047 LEE SHAWN SASSENBERG
The judgment is affirmed.
DAVIS, J.
We concur: PUGLIA, P.J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025889 KENT JAMES ROBERTS
The judgment is affirmed.
DAVIS, J.
We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (CERTIFIED FOR PARTIAL PUBLICATION)
No. vs.
C023375 CHRISTIAN BRANSCOMBE ET AL.
The judgments are affirmed. (CERTIFIED FOR PARTIAL
PUBLICATIONS.)
MORRISON, J.
We concur: DAVID, Acting P.J.
CALLAHAN, J.

Civil PAUL MATSON (Not for Publication)
No. vs.
C026764 DEAN DENIZ ET AL.

The judgment is affirmed.

HULL, J.

We concur:

PUGLIA, P.J.
DAVIS, J.

FRIDAY, MARCH 20, 1998 CONTINUED

Juvenile IN RE ELIZABETH R., A Minor Coming Under The Juvenile Court Law
No. DEPARTMENT OF SOCIAL SERVICES
C027736 vs. (Not for Publication)
CAROLE J. R.

.....The orders are affirmed.

DAVIS, J.

We concur: PUGLIA, P.J..
CALLAHAN, J.

MONDAY, MARCH 23, 1998

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SIMS, Acting Presiding Justice
SCOTLAND, Associate Justice
CALLAHAN, Associate Justice

Bailiff: Conrad.
Calendar called.

Civil KATHERINE MEZA
No. vs.
C026203 SOUTHERN CALIFORNIA PHYSICIANS, ETC.

Cause called. Robert B. Lilley argued for Plaintiff-Appellant.
Michael Bruce Abelson, of Latham & Watkins argued for Defendant-Respondent. Cause submitted.

At 9:55 a.m., court recessed. At 10:00 a.m., court reconvened with Acting Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Callahan.

Crim. THE PEOPLE
No. vs.
C0023110 ERIK R. SELF

Cause called. Roberta Simon, court appointed counsel argued for Defendant-Appellant. Stan Cross, Supervising Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

MONDAY, MARCH 23, 1998 CONTINUED

At 10:26 a.m., court recessed. At 10:29 a.m., court reconvened with Acting Presiding Justice Nicholson, Associate Justice Morrison and Associate Justice Callahan.

Crim. THE PEOPLE
No. vs.
C025754 RAN PATRICK WILLIAMS

Cause called. Elaine Forrester, court appointed counsel argued for Defendant-Appellant. Judy Kaida, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:52 a.m., court recessed. At 10:55 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Scotland and Associate Justice Nicholson.

Crim. THE PEOPLE
No. vs.
C025887 JESUS ERNESTO RODRIGUEZ

Cause called Eric Alan Berg, court appointed counsel argued for Defendant-Appellant. Catherine G. Tennant, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 11:34 a.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Scotland, and Associate Justice Callahan.

Civil JANET JOHNSTON
No. vs.
C026463 FLORIN MINI-STOR

Cause called. David W. Reed argued for Plaintiff-Appellant. Richard H. Gray, of Rader, Rader, Goulart & Gray argued for Defendant-Respondent. Cause submitted.

At 2:31 p.m., court recessed. At 2:33 p.m., court reconvened with Acting Presiding Justice Scotland, Associate Justice Raye and Associate Justice Morrison.

MONDAY, MARCH 23, 1998 CONTINUED

Civil ARLENE BAYNE
No. vs.
C024743 CARLOS F. BROWN ET AL.

Cause called. Maxim N. Bach argued for Plaintiff-Appellant. Thomas J. McBirnie of the Workers Compensation Appeals Board argued for Defendant-Respondent W.C.A.B. Jacqueline Schauer, Industrial Relations Counsel argued for Defendants-Respondents Carlos F. Brown Et Al. Cause submitted.

At 2:49 p.m., court recessed. At 2:50 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Davis, and Associate Justice Raye.

Civil SEAN LYONS ET AL.
No. vs.
C022699 CHESTER H. LINCOLN ET AL.

Cause called. John E. Cassinat argued for Plaintiffs-Appellants. Lynette T. Brannan, of Edson, Laplante & Spinelli argued for Defendants-Respondents Chester Lincoln Et Al. Charity Kenyon, of Diepenbrock, Wulff, Plant, & Hannegan argued for Defendants-Respondents Kelly Lawrence et al. Cause submitted.

Court adjourned at 3:20 p.m., until 9:30 a.m., Monday, April 13, 1998

MONDAY, MARCH 23, 1998 CONTINUED

Crim. THE PEOPLE (CERTIFIED FOR PUBLICATION)
 No. vs.
 C022602 TYRONE ANTHONY CHATMAN

THE COURT:

It is ordered that the opinion filed herein on February 25, 1998, be modified in the following manner.

On the last line on page 2 and continuing on page 3, delete the sentence immediately following the citation of *People v Stansbury* through and including the citation of *Rhode Island v Innis*, and insert the following language in its place:

A Miranda violation occurs if a “suspect’s incriminating response was the product of words or actions on the part of the police that they should have known were reasonably likely to elicit an incriminating response. “ (*Rhode Island v Innis* (1980) 446 U.S. 291, 303 [64 L. Ed.2d 297. 309].) If police officers ask, without Miranda warnings questions that are reasonably likely to elicit an incriminating response, the prosecution is barred from using the answers in its case in chief.

This modification does not change the judgement.

The petitions for rehearing are denied.

FOR THE COURT:

PUGLIA, P.J.

SCOTLAND, J.

MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026295 GINGER MORGAN SCHLEEF

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025647 ERNEST FITZGERALD LYNCH

The judgment is affirmed.

RAYE, J.

We concur: DAVIS, Acting P.J.
 CALLAHAN, J.

MONDAY, MARCH 23, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025529 MICHAEL RAY JONES

The order of the trial court that the defendant, if released from prison, be placed on parole for life pursuant to Penal Code section 3000.1 is modified to parole for not more than five years pursuant to Penal Code section 3000, subdivision (b)(2). In all other respects the judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.
 NICHOLSON, J.

Civil WHITMORE UNION ELEMENTARY SCHOOL DISTRICT
 No. vs. (Not for Publication)
 C026708 COUNTY OF SHASTA ET AL.

The trial court's order sustaining defendant's special demurrer for uncertainty is sustained. The judgment of dismissal is reversed. The parties shall bear their own costs on appeal.

SIMS, J.

We concur: BLEASE, Acting P.J.
 DAVIS, J.

Civil GLADYS B. AHMED (Not for Publication)
 No. vs.
 C025174 EVELYN M. CARSTENS

C025965 The judgment and order awarding attorney fees are affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Civil MICHAEL GLEN DOLIN (Not for Publication)
 No. vs.
 C026374 MEDICAL BOARD OF CALIFORNIA, ETC.

The judgment is affirmed.

RAYE, J.

We concur: DAVIS, Acting P.J.
 CALLAHAN, J.

TUESDAY, MARCH 24, 1998

Crim. THE PEOPLE
 No. vs.
 C025104 GARY HEGLIN

By the Court:

Appellant's petition for rehearing is denied.

Dated: March 24, 1998

SIMS, Acting P.J.

Crim. THE PEOPLE
 No. vs.
 C024674 KENNETH D. CLEMONS

By the Court:

Appellant's petition for rehearing is denied.

Dated: March 24, 1998

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026907 RICHARD WAYNE DUGAN

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C021434 TERRY WAYNE VINCENT

The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

TUESDAY, MARCH 24, 1998 CONTINUED

Juvenile In re JERMAIN R., a Person Coming Under the Juvenile Court Law.
No. OTIS WALKER, as Chief Probation Officer, etc.
C024922 vs. (Not for Publication)
JERMAIN R.

The matter is remanded to the juvenile court with directions to determine, and make a record sufficient for review, whether the prior disposition has been ineffective in the minor's rehabilitation. If the court finds the prior disposition was ineffective, no change in the disposition is necessary. If the court finds the prior disposition has been effective, it shall dismiss the petition.

SIMS,

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024948 CAREY JASON WITTEN

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027170 MICHAEL LAWRENCE CHERVENY

CALLAHAN, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025341 RONALD LEE RAMEY

The judgment is affirmed.

SIMS, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

TUESDAY, MARCH 24, 1998 CONTINUED

Civil BANK OF CALIFORNIA (Not for Publication)
No. vs.
C026246 JAMES GRAY ROWDEN ET AL.

The judgment is affirmed. Plaintiff shall recover its costs on appeal.
SIMS, J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C016478 CINDY KAY MAY

The judgment is affirmed.
RAYE, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

WEDNESDAY, MARCH 25, 1998

Civil RICHARD GARDNER AND DIANE GARDNER
No. vs.
C028262 AMERICAN SAVINGS BANK, ETC., ET AL.

By the Court:

Pursuant to written request of appellants, the appeal filed December 10, 1997, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19 (b) .)

Dated March 25, 1998

PUGLIA, P.J.

WEDNESDAY, MARCH 25, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025413 JEROME ARTHUR CONRAD

The finding that defendant's conviction for section 243, subdivision (d) constitutes a "strike" under section 667, subdivision (d) (1) is reversed. The sentence is vacated. The district attorney is given 30 days from the issuance of the remittitur to elect to retry the "strike" allegation. (See People v Monge (1997) 16 Cal. 4th 826, 845.) If the district attorney chooses not to retry the allegation, the judgment is modified to reduce defendant's four-year state prison term to two. In all other respects, the judgment is affirmed.

DAVIS, J.

I concur: SIMS, J.

I concur in the judgment and the opinion of the court. (see opinion)
 BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025153 RALPH JONES

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

Civil SACRAMENTO COUNTY ATTORNEYS ASSOCIATION
 No. vs. (Not for Publication)
 C026689 COUNTY OF SACRAMENTO ET AL.

The judgment is affirmed. SCAA shall recover its costs on appeal.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

WEDNESDAY, MARCH 25, 1998 CONTINUED

Civil STANFORD RANCH, INC.
No. vs. (Not for Publication)
C023484 C AND M DEVELOPMENT ET AL.

With the exception of attorney's fees the judgments are affirmed. The provisions of the judgments pertaining to attorney's fees and the order after judgment fixing the award are reversed and remanded to the trial court for resolution consistent with this opinion. Each side shall bear its costs of this appeal.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026470 JERRY WAYNE AMENT

The judgment is modified to provide that the term imposed for the possession of a controlled substance conviction shall be a 16-month term to run concurrently with the term provided for the principal term of 4 years. As modified, the judgment is affirmed. We direct that the superior court correct the abstract of judgment and send a copy of the same to the Department of Correction.

CALLAHAN, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026421 MILTON LEWIS GRANT

The judgment is affirmed without prejudice to the defendant's filing a petition for writ of habeas corpus in the sentencing court. (People v Fuhrman, supra, 16 Cal. 4th at pp. 946-947.)

CALLAHAN, J.

We concur: PUGLIA, P.J.
DAVIS, J.

THURSDAY, MARCH 26, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027448 DAVID JOHNATHON SMITH

The judgment (order or probation) is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Civil KATHERINE MEZA (Certified for Publication)

No. vs.

C026203 SOUTHERN CALIFORNIA PHYSICIANS INSURANCE EXCHANGE

The judgment is affirmed. SCPIE shall receive its costs on appeal.

(CERTIFIED FOR PUBLICATION)

SIMS, Acting P.J.

We concur: SCOTLAND, J.
CALLAHAN, J.

Civil DCK (Not for Publication)

No. vs.

C026142 BARBARA TORRES

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
BLEASE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027873 ERIC IVAN LONG

The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
HULL, J.

THURSDAY, MARCH 26, 1998 CONTINUED.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027594 ANGELA CHERIE CASTILLO

The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
HULL, J.

Civil CALIFORNIA KIWIFRUIT COMMISSION

No. vs. (Not for Publication)

C018368 DAVE MOSS, ET AL.

The trial court's judgment is affirmed.

SCOTLAND, Acting P.J.

I concur: RAYE, J.
I respectfully dissent:
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024672 GREGORY LEE RAND JR.

By the Court:

Respondent's motion to recall the remittitur is granted. The trial court clerk is directed to forthwith return the remittitur issued on January 21, 1998. This court's opinion filed on November 19, 1998 is vacated, and the appeal is reinstated.

Upon return of the original remittitur from the trial court clerk, the cause will be deemed submitted.

Dated. March 26, 1998

PUGLIA, P.J.

FRIDAY, MARCH 27, 1998

Juvenile In re MICHAEL X., a Person Coming Under the Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C027567 vs.

MICHAEL X

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SCOTLAND, J.
MORRISON, J.

Civil In re the Marriage of WANDA and RALPH MCMILLEN
No. WANDA J. MCMILLEN (Not for Publication)
C025195 vs.

RALPH R. MCMILLEN

The judgment is affirmed. Wife shall recover her costs on appeal.

PUGLIA, P.J.

We concur: NICHOLSON, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027544 BETTY JO SETTLEMIRE

The judgment is affirmed.

PUGLIA, P.J.

We concur: BLEASE, J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026360 ANTHONY BARRAZA

The judgment is affirmed.

CALLAHAN, J.

We concur: NICHOLSON, Acting P.J.
 MORRISON, J.

FRIDAY, MARCH 27, 1998 CONTINUED

Civil	SEAN LYONS ET AL., MINORS, ETC.	
No.	vs.	(Not for Publication)
C022699	CHESTER H. LINCOLN ET AL.	
	The judgments are affirmed. The Lawrences and Lincoln shall recover their costs on appeal.	
		PUGLIA, P.J.
	We concur:	DAVIS, J. RAYE, J.
Civil	GEORGE WALKER ET AL.	(Not for Publication)
No.	vs.	
C025975	CIRCLE Z RANCH, INC. ET AL.	
	The judgment is affirmed.	
		BLEASE, Acting P.J.
	We concur:	SCOTLAND, J. CALLAHAN, J.
Crim.	THE PEOPLE	(Not for Publication)
No.	vs.	
C025852	DANNY HASROLD STINSON	
	The judgment is affirmed.	
		PUGLIA, P.J.
	We concur:	BLEASE, J. SCOTLAND, J.
Civil	JANET JOHNSTON	(Not for Publication)
No.	vs.	
C026463	FLORIN MINI-STOR	
	The order of dismissal is affirmed.	
		CALLAHAN, J.
	We concur:	SIMS, Acting P.J. SCOTLAND, J.

MONDAY, MARCH 30, 1998

Crim. THE PEOPLE
No. vs.
CO24012 WILLIAM CHARLES ABRAHAM JR

By the Court:

Appellant's petition for rehearing is granted. The decision filed on March 4, 1998, is vacated.

Dated: March 30, 1998

BLEASE, Acting

Crim. THE PEOPLE
No. vs.
C024087 JERRY WILLIAM HART

By the Court:

The court having received and filed a motion to abate proceedings attaching a certified copy of a certificate evidencing the death of appellant Jerry William Hart during the pendency of this appeal, this court's opinion filed February 26, 1998, is vacated, and all proceedings in the cause are permanently abated. The superior court is directed to enter its order to that effect. (See in re Jackson (1985) 39 Cal.3d 464, 480, citing People v Dail (1943) 22 Cal.2d 642, 659; People v de St. Maurice (1913) 16 Cal. 201, 202.) The clerk of this court is directed to issue the remittitur forthwith.

Dated: March 30, 1998

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025215 SONDR A DUNCAN

The judgment is reversed and the cause remanded to the trial court with directions to issue a new order granting defendants motion to suppress the items of contraband seized from her purse and otherwise denying the suppression motion.

CALLAHAN, J.

We concur: NICHOLSON, J.
MORRISON, J.

MONDAY, MARCH 30, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024362 WILLIE WAGNER
 The judgment is affirmed.
 DAVIS, J.
 We concur: PUGLIA, P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027249 WILLIAM CARL CUTHBERTSON
 The judgment is affirmed.
 BLEASE, J.
 Wse concur: PUGLIA, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024563 ANERAE VE SHAUGHN BROWN
 The judgment is affirmed.
 DAVIS, J.
 We concur: PUGLIA, P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026416 CHARLES JAMES BLACK
 The judgment is modified to impose a \$200 restitution fine pursuant to section 1202.4 and \$200 restitution fine pursuant to section 1202.45, the latter fine stayed pending successful completion of parole. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification, and to forward a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

MONDAY, MARCH 30, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026457 MITCHELL LEE GRAHAM

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
CALLAHAN, J.

Civil JAMILEH ARVANAGHI (Not for Publication)\
No. vs.
C026762 THE FRANKLIN TEMPLETON GROUP ET AL.

The judgment (order) is reversed. Defendants shall recover their costs on appeal.

BLEASE, Acting P.J.

We concur: DAVIS, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024533 LONNIE B. ADAMS

The order imposing restitution of \$1,820 is vacated and the matter is remanded for further proceedings on the amount of restitution, if any, to be imposed. The judgment is otherwise affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026821 RICKY HEINECKE

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

MONDAY, MARCH 30, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026030 CHARLES CHRISTIAN BADEKER
 The judgment is affirmed.
 SCOTLAND, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026100 JOHN SOLOMAN WILSON
 The judgment is affirmed.
 SCOTLAND, J.
 We concur: PUGLIA, P.J.
 SIMS, J.

Juvenile In re DE ANDRE J., a Person Coming Under the Juvenile Court Law
 No. SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY
 C026724 vs. (Not for Publication)
 MARY P.
 The order of the juvenile court is affirmed.
 SIMS, J.
 We concur: PUGLIA, P.J.
 HULL, J.

TUESDAY, MARCH 31, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025754 RAN PATRICK WILLIAMS
 The judgment is affirmed.
 MORRISON, J.
 We concur: NICHOLSON, Acting P.J.
 CALLAHAN, J.

TUESDAY, MARCH 31, 1998 CONTINUED

Civil ARLENE BAYNE (Not for Publication)

No. vs.

C024743 CARLOS F. BROWN ET AL.

The judgment is affirmed.

RAYE, J.

We concur: SCOTLAND, Acting P.J.

MORRISON, J.

Crim. THE PEOPLE (Not for publication)

No. vs.

C025308 JOE TORRES

The judgment is affirmed.

PUGLIA, .

We concur: SIMS, J.

SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026912 JAMES KEITH DEAN

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024504 DANIEL FENTON PAGE

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.

SCOTLAND, J.

TUESDAY, MARCH 31, 1998 CONTINUED

Civil CITY OF LAKE TAHOE (Certified for Publication)

No. vs.

C027893 SUPERIOR COURT OF EL DORADO COUNTY
DAVID MARKHAM, ET AL.

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order denying petitioner City of South Lake Tahoe's motion for summary judgment, and enter new and different order granting that motion. Defendants shall recover their costs of this proceeding. Upon finality of this decision, the stay previously issued is dissolved.

PUGLIA, P.J.

We concur: SCOTLAND, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025046 AVERY REGINALD WHITE

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Civil ANN FARRELL (Not for Publication)

No. vs.

C021318 LLOYD BENJAMIN

The judgment is reversed. Benjamin shall pay Farrell's costs on appeal. (Cal. Rules of Court, rule 26(a).)

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C014986 MURRAY L. AND KATHE B. MILLER

The judgment is affirmed.

SCOTLAND, J.

We concur; PUGLIA, P.J.
MORRISON, J.

TUESDAY, MARCH 31, 1998 CONTINUED

Civil ADAM MAYER (Not for Publication)

No. vs.

C026749 AVIS RENT A CAR SYSTEMS, INC. ET AL.

The judgment (order granting a new trial) is affirmed.

MORRISON, J.

We concur; BLEASE, Acting P.J.
RAYE, J.

Civil PAUL H. STAVIG, INDIVIDUALLY AND AS TRUSTEE, ETC.

No. vs. (Not for Publication)

C026592 JOHN P. HENDERSON ET AL.

The judgment is affirmed.

CALLAHAN, J.

We concur: RAYE, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025655 BERNARD VINCENT SCHMALL III

The judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
RAYE, J.

Civil DEBORAH BRAND (Not for Publication)

No. vs.

C026750 GENERAL MOTORS CORPORATION

The judgment is reversed. Brand shall recover her costs on appeal.

MORRISON, J.

We concur: NICHOLSON, Acting P.J.
RAYE, J.

TUESDAY, MARCH 31, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publicaton)
 No. vs.
 C027230 JUAN MANUEL ANGUIANO

The appeal is dismissed. The trial court is directed to prepare a corrected abstract of judgment as set forth in footnote 1, ante, and to forward a certified copy to the Department of Corrections.

MORRISON, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026110 CLARENCE LEON MCVEY

The judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

Juvenile In re SCOTT B. JR., a Person Coming Under the Juvenile Court Law
 No. SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY
 C027850 vs. (Not for Publication)
 CAROLYN B. ET AL

The orders of the juvenile court affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

Civil PAMELA KETCHUM ET AL.
 No. vs.
 C026528 STATE OF CALIFORNIA

The judgment is affirmed. (Certified for Publication)

MORRISON, J.

We concur DAVIS, Acting P.J.
 SCOTLAND, J.